

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

FRANKLIN L. GIBBS,

Petitioner,

v.

WALTER DINWIDDIE,

Respondent.

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No. CIV 09-427-FHS-KEW

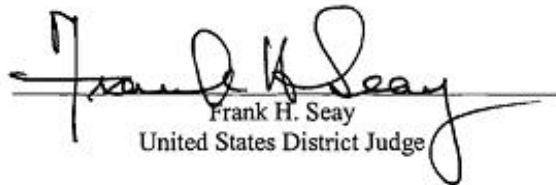
ORDER DENYING LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner, a prisoner seeking to bring a habeas corpus action, has filed a motion for leave to proceed *in forma pauperis* and supporting statement of institutional accounts. Having reviewed the motion, the Court finds petitioner has sufficient funds to prepay the filing fee of \$5.00 pursuant to Local Rule 3.5 (b). Petitioner's motion, therefore, is overruled, and petitioner must prepay the filing fee for this action to proceed.

Petitioner is ordered to forward the \$5.00 filing fee to the Court Clerk within twenty (20) days of the entry of this order, or show cause by that date why he/she does not have the assets with which to pay the filing fee. The agency having custody of petitioner is ordered to release funds from petitioner's accounts, including petitioner's trust account, for payment of the filing fee. Failure to pay the filing fee or show cause why the fee cannot be paid will subject this action to dismissal.

IT IS FURTHER ORDERED that the Clerk of the Court send a copy of this order to petitioner's custodian and the trust fund officer at his institution.

IT IS SO ORDERED this 13th day of November, 2009.


Frank H. Seay
United States District Judge